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15 **UNITED STATES DISTRICT COURT**
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17 **DISTRICT OF NEVADA**
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19 MICHAEL H. MCCABE,
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21 Plaintiff,
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23 v.
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25 LELAND DUDEK,
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27 Acting Commissioner of Social Security.¹
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29 Defendant.
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31) Case No. 3:24-cv-00438-CSD
 32) ORDER GRANTING
 33) **UNOPPOSED MOTION FOR**
 34) **EXTENSION OF TIME**
 35) **(FIRST REQUEST)**

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 37 Defendant Leland Dudek, Acting Commissioner of Social Security (Defendant) respectfully
 38 requests that the Court extend the time for Defendant to respond to Plaintiff's Motion for Reversal
 39 and/or Remand (Dkt. No. 12), currently due on February 24, 2025, by 45 days, through and including
 40 April 10, 2025. Defendant further requests that all subsequent deadlines set forth in the Court's
 41 scheduling order (Dkt. No. 10) be extended accordingly.
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 45 ¹ Leland Dudek became the Acting Commissioner of Social Security on February 16, 2025. Pursuant
 46 to Rule 25(d) of the Federal Rules of Civil Procedure, Leland Dudek should be substituted for Kilo
 47 Kijakazi as the defendant in this suit. No further action need be taken to continue this suit by reason of
 48 the last sentence of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g).

This is Defendant's first request for an extension of time. Good cause exists for this extension. Defendant's counsel respectfully requests an extension of time because he has recently been reassigned this case, and the date for the Commissioner's Brief overlaps with approximately five other briefs due around the same time. This, along with multiple other non-briefing tasks assigned due during this period has impacted Defendant's ability to evaluate Plaintiff's contentions. Additionally, in response to an issue raised by Plaintiff in his motion, Defendant must confer with his client to determine whether the certified administrative record in this case must be supplemented by additional records, and if so, prepare those records. This could take significant time due to SSA staffing constraints, and Defendant's request is an effort to allow for obtaining records, if necessary.

Beyond that, during this time, the undersigned will review the record, to evaluate the other issues raised in Plaintiff's motion, to determine whether options exist for settlement, and if not, prepare Defendant's response to Plaintiff's motion. Defendant's counsel will endeavor to complete these tasks as soon as possible. This request is made in good faith and with no intention to unduly delay the proceedings, and counsel apologizes for any inconvenience.

On February 20, 2025, counsel for Defendant conferred with Marc Kalagian, who has no opposition to this motion.

It is therefore respectfully requested that Defendant be granted an extension of time to respond to Plaintiff's Motion for Reversal and Remand, through and including April 10, 2025.

Dated: February 20, 2025

Respectfully submitted,

SUE FAHAMI
Acting United States Attorney

By: s/ Paul Sachelari
PAUL SACHELARI
Special Assistant United States Attorney

1 IT IS SO ORDERED:
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5 CRAIG S. DENNEY
6 UNITED STATES MAGISTRATE JUDGE

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DATED: February 21, 2025